

Regulations relating to alcolocks, alcolock garages, etc.

Legal authority: Laid down by the Norwegian Public Roads Administration xx. pursuant to the Act of 18 June 1965 no. 4 relating to road traffic (the Road Traffic Act) Section 40 c, Section 19 c and Section 19 b

Chapter 1. Introductory provisions

Section 1 Purpose

The regulations shall ensure safety, quality and compliance with the order to have alcolocks in vehicles.

The purpose of having alcolocks in vehicles is to prevent driving under the influence of intoxicants.

Section 2. Area of application

The regulations apply to those who carry passengers for reward on roads in Norway using vehicles in categories M2 and M3 and which are subject to the Act of 21 June 2002 no. 45 on Professional Transport by Motor Vehicle and Vessel, Sections 4, 6, 9 and 10.

If the vehicle mentioned in the first paragraph is registered abroad, the vehicle is exempt from the requirements of the regulations.

Section 3. Definitions

In these regulations, the following terms shall mean:

- a) *alcolock*: a technical device to prevent a vehicle from starting or being set in motion when the driver has illegal content of alcohol in the air the driver exhales, cf. the Road Traffic Act section 22
- b) *work on alcolock*: fitting, removal, repair and service on alcolocks that is not carried out at the vehicle manufacturer
- c) *alcolock garage*: undertaking that has been approved by the Regional Roads Office to perform work on alcolocks
- d) *fitter*: person who meets the conditions to work on alcolocks and who is employed at an approved alcolock garage
- e) *service*: calibration and maintenance of the alcolock in accordance with the manufacturer's directions, and control of its installation in the vehicle and of functionality to ensure that the alcolock is working correctly
- f) *breath sample*: sample the driver must provide by breathing into the alcolock in order for the vehicle to start or be set in motion
- g) *fitting instructions*: a vehicle-specific instructions concerning how the alcolock should be fitted in the vehicle

- h) *fitting confirmation*: documentation on how the alcolock has been fitted in the vehicle in question
- i) *quality management system*: systematic measures documenting that work is performed in compliance with requirements stipulated in statutes and regulations
- j) *emergency feature*: possibility to override the alcolock using emergency telephone numbers or issuance of code
- k) *free starting time*: time from an approved breath sample has been provided until a new breath sample must be provided upon stopping the vehicle.

Chapter 2. Requirements to alcolock

Section 4. Requirements to alcolock

The alcolock must have a test certificate proving that it complies with EN 50436-1:2014 or EN 50436-2:2014 issued by an accredited laboratory. The alcolock must additionally be tested in the temperature range between -40 C to $+85\text{ C}$ pursuant to EN 50436-2:2014, chapter 9.3.

Vehicles that already have alcolocks installed when these regulations come into force may continue to use these insofar that they comply with EN 50436-1:2007 or EN 50436-2:2007 or a subsequent standard.

The alcolock must have component type approval (E-labelled) in accordance with applicable rules for electromagnetic compatibility for vehicles.

Work on alcolocks must be performed at an approved alcolock garage, cf. chapter 3, or factory fitting at the vehicle manufacturer.

Section 5. Alcohol content of breath sample

The alcolock must be set such that the vehicle may only start or be put into motion if the alcohol concentration of the driver's breath is measured to be less than 0.10 milligrams of alcohol per litre of air.

Section 6. Approved breath sample

The driver must provide an approved breath sample in order to start or set the vehicle in motion. The alcolock may have a free starting time of a maximum of 30 minutes.

When changing drivers, the new driver of the vehicle must provide a breath sample.

Section 7. Bypass feature for alcolock

There must not be a bypass feature for the alcolock in the vehicle. If the electricity supply to the alcolock is interrupted, it must not be possible to set the vehicle in motion.

Section 8. Emergency feature

The alcolock may have a feature for overriding if emergency situations arise. Use of such an emergency feature must be reported to and recorded by the technical manager of the alcolock garage. It must be possible to unlock the alcolock with a single-use code, with a time limit of a maximum of 8 hours.

Section 9. Service and maintenance

The owner of the vehicle must follow the alcolock manufacturer's instructions for service and maintenance.

Section 10. Prevention of use of vehicle

The alcolock must prevent the vehicle from being set in motion if service has not been carried out within 30 days.

Section 11. Fitting instructions

All alcolocks must have fitting instructions.

For vehicles where it is not sufficient to interrupt power to the starting motor, the alcolock must have fitting instructions from the alcolock or vehicle manufacturer.

Pursuant to the second paragraph, the fitting instructions must include

- a) information on which vehicle model and type the instructions apply to
- b) a description of which circuits in the vehicle that must be broken, how the connection points are identified, and which additional components that are to be used
- c) information on who has prepared the instructions
- d) assurance from the vehicle manufacturer or vehicle importer that connection to the vehicle's system cannot impact other systems in the vehicle while driving, in the event of faults or loss of power to the alcolock.

Section 12. Fitting confirmation in the event of retrofitting

Fitting of an alcolock in a vehicle pursuant to these regulations must be documented by an fitting confirmation from the individual who has performed the installation.

The fitting confirmation must include information on

- a) the vehicle's registration number
- b) the alcolock's manufacturer and serial number
- c) reference to the applied fitting instructions
- d) name of the alcolock garage and fitter
- e) date of the fitting and next service.

The alcolock garage must ensure that the fitting confirmation is stored for 5 years and is available for inspection.

Vehicles with fitting confirmations in compliance with these regulations are not required to be presented for new approval pursuant to the regulations of 5 July 2012 no. 817 relating to the approval of cars and car trailers (vehicle regulations) Section 17 and the regulations of 4 October 1994 no. 918 relating to technical requirements and approval of vehicles, parts and equipment (vehicle regulations) Section 6-9.

Chapter 3. Conditions and duties for alcolock garages

Section 13. Approval of alcolock garage

Undertakings that meet the conditions in these regulations may apply to the Regional Roads Office for approval to perform work on alcolocks. Documentation that the conditions for obtaining approval are met must be enclosed with the application for approval.

An alcolock garage that meets the conditions in these regulations will be issued an approval certificate.

The Regional Roads Office registers the undertakings in the Norwegian Public Roads Administration's electronic register. The register includes information on undertakings that have applied for approval, and all undertakings that have or have had approval. The register will include the personal data of the technical manager. The register will comply with the rules that apply at any given time.

Section 14. Fee for approval of alcolock garage

For the processing of an application for approval as alcolock garage, the alcolock garage must pay a fee of NOK 2,570.

Section 15. Requirements to premises and equipment

The alcolock garage's premises and technical equipment that are used for work on alcolocks must be suitable for the purpose.

Equipment used for work on the alcolock must have a user manual and the necessary specifications for calibration. The equipment must be used in accordance with this.

The alcolock garage may also perform work on the alcolock outside of the garage's premises, assuming that this is carried out in a secure manner with the mandatory equipment.

Section 16. Requirement to technical manager and deputy

A technical manager must be appointed for each alcolock garage. The technical manager must be the point of contact for the Regional Roads Office.

The technical manager must at all times possess the knowledge and skills required to perform work on the alcolock, cf. the competence requirement pursuant to Section 17 second paragraph.

The technical manager must apply the fitting instructions when fitting the alcolock, and complete a fitting confirmation, cf. Sections 11, 12.

The technical manager must

- a) ensure that all work on alcolocks is performed in compliance with these regulations and in accordance with applicable rules
- b) coordinate work at the alcolock garage
- c) instruct the fitters at the alcolock garage
- d) ensure that training of fitters is carried out as needed

- e) ensure that the alcolock garage documents completed training.

If the technical manager will be driving the vehicle on which the alcolock work is being performed, he must have a driving license for the relevant vehicle class, cf. the regulations of 19 January 2004 no. 298 relating to driving licenses, etc. The exemptions in the Driving License Regulations Section 12-2, first paragraph, apply.

In the absence of the technical manager, a deputy must be appointed. The deputy must meet the same requirements as the technical manager. The Regional Roads Office may grant exemption to the requirement of a deputy where the requirement is unreasonable due to the size of the alcolock garage.

Section 17. Requirements to fitters

The fitter must at all times possess the knowledge and skills required to perform work pursuant to these regulations.

The fitter must have completed relevant training related to alcolocks. The training must at least include:

- a) applicable rules for performing work on alcolocks
- b) the alcolock's functionality
- c) working methods and equipment for fitting, removal, service and repairs,
- d) methods and equipment for performing work on alcolocks
- e) documentation for completed installation
- f) data security and data management for the alcolock.

The fitter must apply the fitting instructions when fitting the alcolock and complete a fitting confirmation, cf. Sections 11, 12.

The fitter must meet the same driving licence requirements as the technical manager, cf. Section 16, fifth paragraph.

Section 18. Requirements to quality system

The alcolock garage must establish and maintain a quality system for the alcolock garage's activities related to work on alcolocks.

The quality system must include the following:

- a) organization of the undertaking where it is apparent who is responsible for the work being performed in compliance with these regulations,
- b) the employees' competence, including procedures for training and upkeep of competence,
- c) procedures for calibration and periodic maintenance of equipment,
- d) procedures for performance of work pursuant to these regulations, including documentation of fitting instructions, fitting confirmation, name of fitter performing work on the alcolock, and which vehicle the work was carried out on,
- e) procedures for storing technical information on the alcolock,
- f) procedures for processing electronic data related to the alcolock,
- g) accessible necessary rules.

The quality system must be documented in writing. The documentation must at all times be available to the supervisory authority.

Section 19. Responsibility for information to driver of vehicle with alcolock

The fitter or the technical manager must ensure that the driver is provided with a written user guide for the alcolock. The guide must describe how the alcolock functions, how it should be used, and when service is to be carried out.

The person fitting the alcolock must ensure that the driver, immediately after the alcolock has been fitted to the driver's vehicle, is provided with oral information on the alcolock's functionality and instruction on how it is used.

Section 20. Requirements to equipment and security for data processing

The alcolock garage is responsible that data transfer from the alcolock takes place with the appropriate equipment and that data transfers take place in such a manner that the security features protecting the data's integrity and authenticity are intact.

The results from the alcolock's breath samples must not be stored, downloaded or read.

Technical data from the alcolock may only be downloaded, read and stored to the extent this is required to perform service. Data that is downloaded from the alcolock must be deleted immediately after the required service and maintenance has been completed.

Chapter 4. Inspections of and sanctions against alcolock garages

Section 21. Inspections

The Regional Roads Office inspects undertakings that perform work on alcolocks and that they comply with these regulations.

The alcolock garage is obliged to grant the Regional Roads Office access to the premises and otherwise provide the necessary assistance to conduct inspections, including presenting and submitting for control equipment and documents related to work on alcolocks and the undertaking in general.

The Regional Roads Office may as part of the inspection carry out spot checks on the work with alcolocks. If it is necessary in order to conduct inspections, the NPRA Regional Office may also summon the vehicle for a spot check.

Section 22. Sanctions against alcolock garages

As a part of the Regional Roads Office's inspection, the alcolock garage may be ordered to rectify deficiencies as required to ensure that work is performed in compliance with the regulations.

If orders for rectification are not complied with within a given deadline, the Regional Roads Office may impose a coercive fine. The coercive fine may be determined as a lump

sum, or as a fine that applies from the time a given deadline for rectification has been exceeded and until rectification has been made. The final decision on payment of a coercive fine is enforceable by execution, cf. the Enforcement Act Section 7-2. Coercive fines are recovered by the Regional Roads Office.

A warning may be issued for less serious transgressions.

The NPRA Regional Office may temporarily or permanently revoke the alcolock garage's approval if the following is revealed:

- a) material or repeated deviations from the requirements to premises, equipment, expertise, quality management and data management,
- b) material or repeated deviations from the requirements to fitting and documentation,
- c) that orders are not complied with or written warnings are not upheld,
- d) that the alcolock garage evades inspection.

In the assessment of whether the approval should be revoked, considerations will be made toward which extent the garage's administrative management is to blame for the infringement.

The initial revocation of the approval shall normally apply for three to six months, the second revocation for six to twelve months, and the third revocation for at least twelve months. In special cases approval may be permanently revoked.

Upon revocation of approval of an alcolock garage, the Regional Roads Office shall revoke the approval certificate referred to in Section 13 second paragraph.

Chapter 5. Concluding provisions

Section 23. Roadside checks

The Regional Roads Office may conduct roadside checks of alcolocks in vehicles as mentioned in Section 2 first paragraph. Checks may include the alcolock and associated components.

The Regional Roads Office may issue orders to the driver and transport undertaking, which these are immediately obliged to comply with. Otherwise, the provisions concerning roadside checks in the Act of 18 June 1965 no. 4 relating to road traffic apply wherever appropriate.

Section 24. Penalty for violations

The Regional Roads Office may impose a fine of NOK 8,000 if the vehicle as mentioned in Section 2 second paragraph has no alcolock installed.

The provisions of the regulations of 17 September 1993 no. 855 relating to penalties for certain violations of the Road Traffic Act Sections 3, 5, 6, 7, 8 and 9 apply wherever appropriate.

Penalties for violations are not imposed if the violation emerges as particularly serious or for other special reasons should be pursued by regular criminal prosecution pursuant to the Road Traffic Act Section 31 first paragraph.

Section 25. Appeals against decisions

Decisions made pursuant to these regulations may be appealed in accordance with the Act of 10 February 1967 relating to procedure in cases concerning the public administration (Public Administration Act).

Section 26. Exemptions

The Norwegian Public Roads Administration may grant exemptions from these regulations if there are particularly compelling reasons.

The Regional Roads Office, by individual decision, may grant exemptions from these regulations in cases where there are particularly compelling reasons.

Section 27. Transitional arrangements

Vehicles registered before entry into force of these regulations must fit alcolocks within two years at the latest.

Section 28. Entry into force

The regulations come into force from the date decided by the Ministry.